

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION**

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	3:10-cr-00005-RLY-CMM
vs.	)	
	)	
EDGAR GIBSON,	)	-06
Defendant.	)	

**REPORT AND RECOMMENDATION**

On March 6, 2019, the Court held a final hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on November 28, 2018. Edgar Gibson ("Defendant") appeared in person with FCD counsel, Michael Donahoe. The government appeared by Lindsay Karwoski, Assistant United States Attorney. U. S. Probation appeared by Officer Jennifer Considine.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. §3583:

1. The Court advised Defendant of his rights and provided him with a copy of the petition.
2. After being placed under oath, Defendant admitted Violation Nos. 1 and 2.  
[Docket No. 565.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation  
Number**

**Nature of Noncompliance**

- |   |  |
|---|--|
| 1 | "The defendant shall reside in a residential reentry center for a term of 120 days. You shall abide by the rules and regulations of the facility." |
|---|--|

On November 26, 2018, the offender was found to be in violation of the rules and regulations at the Volunteers of America when he tested positive numerous times for synthetic marijuana and returned late from pass on several occasions.

- 2 "The defendant shall refrain from any unlawful use of a controlled substance."

As previously reported to the Court, on September 5, 2018, the offender provided a specimen that tested positive for amphetamines. The offender denied use of any illegal substances. The specimen was sent for further confirmation and the results indicated positive for methamphetamine on September 24, 2018.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade **B** violation.
- (b) Defendant's criminal history category is **V**.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is **18 to 24** months imprisonment.

5. Parties jointly recommended that defendant be incarcerated for eighteen (18) months, with supervised release continuing until December 14, 2022.

6. The Magistrate Judge, having considered the factors in 18 U.S.C. §3553(a), and as more fully set forth on the record, finds that:

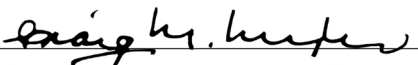
- (a) The Defendant violated the conditions in the petition;
- (b) That the agreement of the parties is an appropriate resolution of this matter and the agreement is commended to the favorable consideration of the District Judge;
- (c) That, consistent with the agreement, the Magistrate Judge recommends that the defendant's supervised release be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of eighteen (18) months, with supervised release continuing until December 14, 2022. Defendant is to be taken into custody immediately pending the District

Judge's action on this Report and Recommendation. The Court recommends to the Bureau of Prisons placement at Marion, Illinois.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge.

The parties waive the 14-day requirement to serve and file written objections with the District Judge.

Dated: March 6, 2019

  
CRAIG M. McKEE, Magistrate Judge  
United States District Court  
Southern District of Indiana

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